

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,) CR. NO. 4:99-221
)
 v.) **OPINION and ORDER**
)
 Clarence Cyrus,)
)
 Defendant.)
 _____)

This matter is before the court on Defendant's *pro se* motion for reconsideration of denial of relief under Amendment 750. ECF No. 165. Additionally, Defendant has moved for recusal of the undersigned based upon any purported interest in "private prison stock market or shares . . ." ECF No. 167. Finally, Defendant moves for certain financial disclosure statements of "all clerks, attorneys, and judges involved in this case." ECF No. 168.

Defendant contends that his Presentence Report (PSR) indicates that his sentence was indeed based upon, in part, his involvement with "crack" cocaine. It is true that Defendant's sentence as to Count Two was for his conviction for distribution of 50 grams or more of "crack" cocaine. However, at sentencing, the calculation of applicable sentencing guidelines was based upon his involvement with both powder and "crack" cocaine. Defendant's counts of conviction were grouped under U.S.S.G. § 3D1.2(d), and because of the amount of powder cocaine (over 150 kilograms), the applicable base offense level was driven by his involvement with powder cocaine, not "crack" cocaine.

Accordingly, Defendant's motion for reconsideration is **denied**.

Defendant's other pending motions, for disclosure of financial interests and for this court to provide him with copies of certain financial disclosure statements, are denied as frivolous.

Defendant may obtain copies of this court's financial disclosure statements upon application to the Administrative Office of the United States Courts, not the undersigned.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 14, 2012